

REMARKS

In the final Office Action dated February 21, 2003, claims 1-20 were considered. The Action rejects claims 1 and 15 under 35 U.S.C. §102(b) over U.S. Patent No. 4,972,461 issued to Brown *et al.* and claims 2-13 and 16-20 under 35 U.S.C. §103(a) over Brown *et al.* in view of U.S. Patent No. 6,181,779 issued to Hwang. According to the Office Action, claim 14 stands objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

In the Office Communication dated March 17, 2003, Examiner enclosed an Interview Summary for a telephonic conference between Examiner and Applicant's representatives that took place on March 13, 2003. The Communication states that claims 1 and 15, if amended to include detecting a difference at the VMS, would overcome the prior art of record. The Communication requests that Applicant include a Statement of Substance of the Interview with Applicant's Response to the final Office Action.

Applicant thanks the Examiner for taking the time to speak with Applicant's representatives and for his helpful comments during the telephonic conference. Applicant notes with appreciation that independent claims 1 and 15, if amended to include detecting a difference at the VMS, would overcome the prior art of record.

In the present Amendment, Applicant includes a Statement of Substance of the Interview as required by the Office Communication. Also, Applicant amends claims 1 and 15 and introduces new claim 21 herein. Applicant respectfully submits that no new matter is introduced by the present Amendment. Amendments to claims 1 and 15 and newly introduced claim 21 are supported by the specification, at least at pages 7, 9, and 11-20. These amendments are further supported by the drawings, at least at FIGS. 1, 3, and 4.

In accordance with 37 C.F.R. § 1.121, a marked-up copy of the amended claims and a clean copy of all pending claims, as amended herein, are attached.

Statement of Substance of the Interview

Applicant respectfully submits that the Examiner and Applicant's representatives discussed claims 1 and 15 and agreed that if the claims were further amended to recite "detecting a difference at the voice message server ("VMS")," Applicant's claims would overcome the prior art of record.

Also, Applicant agreed to file a Request for Continued Examination in response to the final Office Action. The Examiner stated that he would contact Applicant's representatives prior to issuing another Office Action.

Claims 1 and 15 distinguish over Brown *et al.*

Independent claims 1 and 15 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,972,461 issued to Brown *et al.*. Applicant respectfully submits that independent claims 1 and 15, as amended to include detecting a difference at the VMS, patentably distinguish over Brown *et al.* as stated by the Examiner in the Office Communication. Accordingly, Applicant requests that the Examiner withdraw any rejections of claims 1 and 15 and pass these claims to allowance.

Hwang Does Not Remedy the Defects of Brown *et al.*

Claims 2-13 and 16-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brown *et al.* in view of U.S. Patent No. 6,181,779 issued to Hwang. In response, Applicant has amended independent claims 1 and 15, and respectfully submits that claims 1 and 15 are patentably distinguishable over Brown *et al.* and Hwang, as stated by the Examiner in the Office Communication.

Claims 2-13 and 16-20 depend from claims 1 and 15 and thus, are also patentable over Brown *et al.* and Hwang. Accordingly, Applicant respectfully requests the Examiner to withdraw the §103 rejection of claims 2-13 and 16-20 based on the combination of Brown *et al.* and Hwang.

New Claim 21 is Novel and Non-Obvious Over the Prior Art

Applicant has introduced new claim 21 directed to an answering machine detection method. The method in claim 21 recites in part, automatically detecting a difference between an existing answering machine telephone line pick-up and a live Recipient telephone line pick up. Applicant respectfully submits that neither Brown *et al.* nor Hwang, alone or in combination, teach or suggest all of the limitations of Applicant's claim 21.

Specifically, Brown *et al.* teaches a call message delivery system that provides voice messaging services, which utilize a billing code to establish a status memory location for storing delivery status of a voice message. See, column 1, lines 53-57. As shown in FIG. 4, the disclosed method of Brown *et al.* secures an outgoing line and an available call message delivery system attendant in step 402, output a call in step 403, and has the attendant monitor the call progress in step 404. According to the disclosure of Brown *et al.*, if the call is answered by a recipient, the attendant can either play a prerecorded message and can drop off of the call 409, column 12, lines 62-68, or the attendant can introduce or supervise the delivery of the message 441, column 13, lines 45-55. Brown *et al.* further discloses that the recipient in some instances may be an answering machine rather than a person. See, column 15, line 62 to column, 16, line 6.

In contrast to Brown *et al.*, Applicant claims an answering machine detection method (independent claim 21) that automatedly (i.e., operating automatically using mechanical or electronic devices) detects a difference between an existing answering machine telephone line pick-up and a live-Recipient telephone line pick up. Applicant respectfully submits that Brown *et al.* does not teach or suggest automatedly detecting a difference, but rather uses an attendant to determine if the telephone line pick-up was by an answering machine or a live Recipient.

Hwang teaches a rationalized automated answering machine that distinguishes each sentence interval in the Out Going Message by using a microcomputer and records space positions between adjacent sentences. See, column 1, lines 38-42. As further disclosed by Hwang, when the rationalized automated answering machine receives a call and plays the Out Going Message, the sound of a caller may be monitored simultaneously to allow the caller to record a message without having to listen to the entire Out Going Message, thereby preventing caller irritation and impatience. See, column 1, lines 42-52. However, Hwang fails to teach automatedly detecting a difference between an existing answering machine telephone line pick-up and a live Recipient telephone line pick-up, because Hwang teaches a rationalized automated answering machine that does not call a recipient. Thus, Hwang could not possibly teach automatedly detecting a difference between an existing answering machine telephone line pick-up and a live Recipient telephone line pick-up, as claimed by Applicant.

Since neither Brown *et al.* nor Hwang teaches an answering machine detection method that includes automatedly detecting a difference between an existing answering machine telephone line pick-up and a live Recipient telephone line pick-up, Applicant respectfully submits that claim 21 is novel and non-obvious in view of the prior art of record.

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CONCLUSION

In view of the above amendments and remarks, Applicant submits that claims 1-21 are in condition for allowance and requests that the Examiner pass this application to allowance.

Applicant invites the Examiner to telephone the undersigned attorney to discuss any outstanding issues.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "John V. Bianco", is written over a horizontal line.

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MARKED-UP COPY OF AMENDED CLAIMS

1. (Amended) An answering machine detection method for a voice message delivery system comprising the steps of:
 - (a) placing an outbound call to a Recipient;
 - (b) detecting a telephone line pick-up; and
 - (c) detecting [whether the telephone line pick-up was by] a difference at a voice message server between an existing answering machine telephone line pick-up and [or] a live Recipient telephone line pick-up.

15. (Amended) An apparatus for detecting an answering machine for a voice message delivery system including a TeleMail Server connectable to a telephone communications system, wherein the TeleMail Server operates to:
 - (a) place an outbound call to a Recipient;
 - (b) detect a telephone line pick-up; and
 - (c) detect [whether the telephone line pick-up was by] a difference at a voice message server between an existing answering machine telephone line pick-up and [or] a live Recipient telephone line pick-up.